

need to classify prohibiting acts by any specific nomenclature, and, consequently, eliminate the presently inconsistent usage of "unlawful trade practices" (see, e.g., Art. 83, §21C, which was enacted by Ch. 298, Acts of 1969, and §20F(a) which was enacted by Ch. 609, Acts of 1974) and "unfair or deceptive trade practice" (see, e.g., §20D(a), also enacted by Ch. 609, Acts of 1974). If the General Assembly chooses to subject a certain prohibited act to the exemptions, enforcement, and other provisions of this title, it need merely enact that prohibition as a new section (or subtitle, if necessary) to this Title 13; the prohibition may be limited to "consumer" transactions, such as §13-303, or may encompass a broader range of activities and persons, such as §13-304 which refers to "seller" (rather than "merchant"), "buyer" (rather than "consumer"), and "merchandise, real property, or intangibles" (rather than "consumer goods"). If, on the other hand, the General Assembly chooses to enact a new prohibited activity not subject to the jurisdiction of the Division, it need merely add that prohibition to Title 14 of this article, which contains "consumer protection" provisions that are generally independent of the Consumer Protection Act and the authority of the Division.

The only other changes are in style and organization.

The Commission emphasizes that neither its reorganization of this section nor the deletion of the phrase "but not limited to" are intended in any manner to make applicable the maxims of expressio unius est exclusio alterius, eiusdem generis, or doctrines of similar implication. That these doctrines were not intended by the General Assembly to apply to this section is apparent from the declaration of findings, purpose, and legislative intent in §§ 13-102 and 13-103, and, more particularly, from the statement in §13-105 that this title be "construed and applied liberally to promote its purpose."

For provisions presently contained in the Consumer Protection Act, but which are only contractual in nature rather than prohibitory, see Title 14, Subtitle 11; see, also, revisor's note to §13-304.